

REMARKS

Claims 1-6 are pending in the application. Claims 1-6 have been amended. Claims 16-27 have been added. Claim 1 was amended to address the 35 USC § 101 rejection as well as to further define the scope and novelty of the present invention. No new matter has been added. Accordingly, claims 1-6, and 16-27 are now pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

RESPONSE TO ARGUMENTS

The Examiner states,

**Applicant's arguments, filed on 10/14/2008, with respect to the rejection(s) of the pending claims under 35 U.S.C. § 103(a) have been fully considered and are persuasive. Therefore, the rejection(s) has (have) been withdrawn.**

**However, upon further consideration, claims are rejected under 35 U.S.C. § 101 set forth in the rejection.**

**Claims would be allowable if applicant has overcome the rejection.**

Applicant appreciates and acknowledges the indication of allowable subject matter.

Claim Rejections – 35 USC § 101

Examiner states:

**Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Applicant has amended claim 1 to recite “A computer implemented method, wherein the computer performs the following functions comprising.” Hence, the claim is now tied to a particular apparatus and therefore the claims are now in a statutory class and the rejection under 35 USC § 101 has been overcome. Claims 2-6 are now also in a statutory class since they depend

from claim 1. Accordingly, Applicant respectfully requests allowance and passage to issue of claims 1-6 as now presented.

New Claims

Applicant has added new claims 16-27. Claim 16 is dependent upon claim 1. Claim 16 is an allowable claim since it depends from an allowable base claim as well as being allowable on its own merits. Claims 17 and 21 are independent system and computer program product claims, respectively, that have limitations that are similar to allowable claim 1. Accordingly, Applicant submits that they are also allowable. Claims 18-20 and 22-27 are also allowable since they depend from an allowable base claims as well as being allowable on their own merits.

Conclusion

Accordingly Applicant respectfully requests reconsideration and allowances of claims 1-6 and 16-27 as now presented. Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,  
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Date

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